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JAN 13 2006**FAX COVER LETTER****January 13, 2006**

TO: Mail Stop Petition - Commissioner for Patents
COMPANY: U.S. Patent and Trademark Office
FAX: 571.273.8300
FROM: Barbara A. Wrigley
DIRECT DIAL: 612.607.7595
EMAIL: BWrigley@Oppenheimer.com
RE: U.S. Patent Application No. 09/911,551
Filed: July 23, 2001
Art Unit: 3764
Examiner: Michael A. Brown
Attorney Docket No.: 687-470

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to Mail Stop Petition - Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number 571/273-8300 on January 13, 2006.

K. J. Rostberg

Date

1. Transmittal Form SB21
2. Petition to Withdraw Holding of Abandonment
3. Copy of previously-filed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address; Statement under 37 CFR 3.73(b) and supporting assignments

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Originals: Not being sent**Completed by: Kim Rostberg/7260****You should receive 11 page(s) including this page.****If the transmission is incomplete, please call 612.607.7276 as soon as possible.**

PTO/SB/21 (06-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/911,551
		Filing Date	July 23, 2001
		First Named Inventor	Callister, et al.
		Art Unit	3784
		Examiner Name	Michael A. Brown
Total Number of Pages in This Submission	10	Attorney Docket Number	587-470

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ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Copy of previously-filed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address; Statement under 37 CFR 3.73(b) and supporting assignments
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Oppenheimer Wolff & Donnelly LLP		
Signature			
Printed name	Barbara A. Wrigley		
Date	January 13, 2006	Reg. No.	34,950

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 571/273-8300) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	K. J. Rostberg	Date	January 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Callister, et al.

Serial No.: 09/911,551

Filing Date: July 23, 2001

Title: OCCLUDING DEVICE AND
METHOD OF USE

Docket No: 687-470 (formerly R0371-00402)

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JAN 13 2006

Group Art Unit: 3764

Examiner: Michael A. Brown

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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Certificate of Mailing/Transmittal

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K. J. Rothberg1/13/06
Date

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

A Notice of Abandonment was mailed October 3, 2005 in connection with the above-identified application. The Notice of Abandonment issued on the ground that "no reply was received" to the Office Action dated February 22, 2005. However, a response was in fact timely filed. Further, because all claims had previously been allowed a Notice of Abandonment should not have been sent. All documents referenced in this Petition are publicly available on the USPTO's public PAIR system and have not been enclosed.

A Notice of Allowance and Fee(s) Due was mailed on June 6, 2004. Subsequently, the attorney of record at the time filed a Request for Continued Examination on September 14, 2004 to enable the Office to consider additional documents resulting from litigation involving a parent of the present application. Applicants received an Office Action dated February 22, 2005 indicating certain deficiencies in the IDS, i.e. that the IDS submitted by the Applicants did not contain (i) a list of all patents, applications, etc, (ii) U.S. patents and publications listed in a section separately from citation or other documents, (iii) the application number of the application in with the IDS is being submitted on each page of the list, (iv) a heading stating that

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Petition to Withdraw Holding of Abandonment
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it was an Information Disclosure Statement, but otherwise stating that all claims were still allowed.

In response to the Office Action dated February 22, 2005 Applicants timely submitted on March 14, 2005 an IDS that met the requirements of 37 CFR §1.98(a)(1) and as requested by the Examiner.

A Notice of Abandonment was mailed to Applicants on October 3, 2005.

A new Power of Attorney and Revocation of Prior Powers and Change of Correspondence Address was submitted by the undersigned attorney on October 17, 2005, which does not appear to have been made of record. A duplicate is attached for your convenience.


Because Applicants timely responded to the Office Action dated February 22, 2005 and because all claims had been allowed, it was improper for the Office to send a Notice of Abandonment.

Accordingly, Applicants respectfully request that the Office withdraw the holding of abandonment at no cost to Applicants, reinstate the application, and issue a new Notice of Allowance and Issue Fee(s) Due directed to the undersigned attorney.

It is believed that no fees are due in connection with this Petition. If, however, fees are due, the Director is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-1901 (Reference 687-470/US).

Respectfully submitted,

Dated: Jan 13 2006

By 
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